THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.11253 OF 2006

09.06.2006

Between:

Smt.Shakunthala, W/o.Narayana

... Petitioner

AND

The District Collector, Nizamabad
And others

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.11253 OF 2006

ORDER:

The petitioner claims to be the owner of house bearing No.1-43, admeasuring 450 Sq.yards situated at Lingampet village in Nizamabad District. She allegedly purchased the land comprised in survey Nos.1064 from Smt.Pitla Satyamma under registered sale deed dated 21.2.1983 and constructed a house therein. When the government issued orders in G.O.Ms.No.1601, dated 29.8.2005, she also made a representation for regularization of her possession, as she came to know that she purchased a government land. In the mean while, the third respondent initiated action and passed orders under Section 6 of A.P. Land Encroachment Act, 1905 (the Act, for brevity) ordering eviction of the petitioner on the ground that the encroachment made by the petitioner is objectionable. This order dated 22.5.2006 is assailed in the present writ petition.

The writ petition was filed *inter alia* on the ground that the impugned order was not preceded by notice under Section 7 of the Act. Therefore, to enable the learned Assistant Government Pleader for Revenue (Assignment), the matter was adjourned. Today, after getting instructions from his clients, the learned Assistant Government Pleader fairly submits that the Mandal Revenue Officer, Lingampet (MRO), the third respondent herein, did not issue notice under Section 7 of the Act before passing the order under Section 6 of the Act. Therefore, the impugned order is not sustainable.

The writ petition is accordingly disposed of. The impugned order is set aside giving liberty to the MRO to take appropriate action in accordance with law.

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(**V.V.S.RAO, J**)

June 09, 2006

NOTE:

Dispatch order copy by

12.6.2006.

(By order)

YS